

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 18, 1995
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:10 a.m. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency to meet simultaneously with the City Council at 11:18 a.m. The meeting was recessed by Mayor Golding at 12:22 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:16 p.m. with Council Member Kehoe not present. Mayor Golding simultaneously convened the Redevelopment Agency Meeting with the regular meeting at 2:17 p.m. Mayor Golding adjourned the meeting at 5:06 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour/Fishkin (mc/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present

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- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-5:

Comment by Robert Hoffman regarding mass transit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-058.)

COUNCIL COMMENT:
None.

ITEM-108:

SUBJECT: Two actions related to Change Order No. 11 for the
Dulzura Conduit Renovation Project.
(Dulzura Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1440) ADOPTED AS RESOLUTION R-285607

Approving Change Order No. 11, dated January 11, 1995,
issued in connection with the contract with Mingus
Constructors, Inc., for the Dulzura Conduit Renovation
Project, amounting to a net increase of \$307,414;

Authorizing the transfer of \$255,000 within Water
Revenue Fund 41500, from CIP-73-083.0, Annual
Allocation for Water Mains, to CIP-73-252.0, Dulzura
Conduit Renovation;

Authorizing the expenditure of not to exceed \$407,414
from Water Revenue Fund 41500, CIP-73-252.0, Dulzura
Conduit Renovation, to fund the change order and to
supplement the financing of construction contingencies
authorized by Council in Resolution R-284078, dated
June 20, 1994.

Subitem-B: (R-95-1441) ADOPTED AS RESOLUTION R-285608

Stating for the record that the information contained in Mitigated Negative Declaration DEP-88-0719, has been reviewed and considered by the Council in connection with the Dulzura Conduit Renovation Project.

CITY MANAGER SUPPORTING INFORMATION:

The construction contract for the Dulzura Conduit Renovation Contract was awarded to Mingus Constructors, Inc., for the amount of \$3,468,000. With total previous approved change orders of \$801,135 the total project cost, including administration and engineering was \$5,846,215. The 10.7-mile long Dulzura Conduit conveys raw water from Barrett Reservoir to Dulzura Creek, where it ultimately flows into the Lower Otay Reservoir for treatment. The Dulzura Conduit was constructed around the turn-of-the-century and was inoperable because several deteriorated wooden flumes and supporting trestle sections had been removed for replacement. This project consists of the replacement/renovation of six wooden flume sections, a concrete channel, a buried corrugated metal pipe and a washed out section. This request is for approving Construction Change Order No. 11, for a cost plus not to exceed \$307,414, for the additional work requested by the City and an additional \$100,000 contingency request for unforeseen work to close out the project. Throughout the course of construction, it was determined that the geological conditions at various support locations were different than what was shown on the original contract documents. It was necessary to excavate these footings deeper creating a cost overrun on reinforcing steel, concrete and backfilling, compared to the original bidding documents. Furthermore, it was necessary to drill additional length rock anchor bolts within the rock bolt zones at the upstream abutment to Flume 7, Flume 12 and along Flume 9. This was done in an effort to pin precariously positioned boulders to the hillside. Because of the unique, specialized nature of construction and the inaccessibility of the flumes in which helicopter work is needed, the costs reflected in this change order are justified, and an additional construction contingency fund for unforeseen work is requested. The contractor has refused to sign Change Order No. 11 as a close-out change order, with the intention to file a total cost claim. The City disagrees with disputed items including granting additional time and extended field overhead costs, and have paid the contractor's invoices until January 1995. Approval of Change Order No. 11 will allow the payment of the remaining outstanding invoices for the works completed and approved by the City. This will eliminate the potential additional claim for delay damages.

Aud. Cert. 9501017.

WU-U-95-098.

FILE LOCATION: CONT - Mingus Constructors, Inc. CONFY95-1

COUNCIL ACTION: (Tape location: A162-231.)

MOTION BY VARGAS TO ADOPT. Second by Harvey. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Two actions related to Equal Opportunity Contracting Program (EOCP) - Amended Equal Employment Opportunity Ordinance and Policies and Procedures.

(See City Manager Reports CMR-95-82, CMR-95-66, CMR-95-61, and CMR-95-33.)

(Continued from the meetings of March 20, 1995, Item 206, and February 13, 1995, Item 202; last continued at the City Manager's request, to allow time to bring an amended ordinance for simultaneous review with the policies and procedures.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; adopt the resolution in Subitem B; and consider the suggestions/recommendations received from the various public hearings and workshops.

Subitem-A: (O-95-103) INTRODUCED AS AMENDED, TO BE
ADOPTED MAY 1, 1995

Introduction of an Ordinance amending Chapter II, Article 2, Division 27, of the San Diego Municipal Code by amending Sections 22.2701 through 22.2709 and by repealing Sections 22.2710 through 22.2715 all relating to the Equal Employment Opportunity Program.

Subitem-B: (R-95-1138) ADOPTED AS AMENDED AS RESOLUTION
R-285609

Approving the Policies and Procedures for the Equal Employment Opportunity Program.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A232-B258.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND RESOLUTION AS AMENDED WITH THE FOLLOWING CHANGES: 1) KEEP IN THE WORK FORCE REPORT ON P.3 OF 7; 2) KEEP IN "EITHER WORK FORCE OR EEO PLAN" ON P.5 OF 7; 3) ADD TO POLICIES AND PROCEDURES THE SWORN STATEMENT FOR ALLEGED DISCRIMINATION FROM EMPLOYEES AND/OR CONTRACTORS; 4) REMOVE ALL THE REBUTTABLE PRESUMPTION LANGUAGE IN PARAGRAPH D ON P.5 OF 7 AND REPLACE WITH: "IF THE APPARENT LOW BIDDER OR CONTRACTOR DOES NOT SUBMIT EITHER A WORK FORCE REPORT OR EQUAL OPPORTUNITY PLAN AS REQUIRED BY THIS SECTION, THE CITY MANAGER WILL ENSURE AN ADMINISTRATIVE HEARING TO DETERMINE IF THE CONTRACT SHOULD BE AWARDED IN ACCORDANCE WITH CITY, STATE, AND FEDERAL LAW; 5) KEEP IN DEBARMENT ON P.6 OF 7; 6) ADD THE FOLLOWING LANGUAGE "THAT THE CONTRACTORS WHO DO BUSINESS WITH THE CITY OF SAN DIEGO SHALL ENSURE THAT THE SUBCONTRACTORS ARE ALSO EQUAL OPPORTUNITY EMPLOYERS; 7) RETURN TO COUNCIL IN ONE YEAR WITH A PROGRESS REPORT ON HOW IT IS WORKING WITH THE BUSINESSES AND WITH THE CITY STAFF. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Two actions related to Support for Tax-Exempt Bond Financing for Carvin Corporation and Howard Leight Industries Projects.
(Districts-5 and 8.)

CITY MANAGER'S RECOMMENDATION:

Hold the required public hearing and adopt the following resolutions:

Subitem-A: (R-95-1392 Corr. copy) ADOPTED AS RESOLUTION
R-285610

Approving the issuance of not to exceed \$3,000,000 aggregate principal amount of Industrial Development Revenue Bonds for the Carvin Corporation Project.

Subitem-B: (R-95-1393 Corr.3/29/95) ADOPTED AS
RESOLUTION R-285611

Approving the issuance of not to exceed \$7,000,000 aggregate principal amount of Industrial Development Revenue Bonds for the Howard S. Leight and Associates,

Inc., Project.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a public hearing supporting issuance of separate tax-exempt private activity conduit revenue bonds by the California Statewide Communities Development Authority Joint Powers Agency (the JPA) of up to \$3 million for Carvin Corporation and up to \$7 million for Howard Leight Industries. Carvin will use bond proceeds to finance its 79,500 s.f. sound equipment and musical instrument manufacturing facility located at 12340 World Trade Drive in the Rancho Bernardo area. Howard Leight will use bond proceeds to finance a 110,000 s.f. hearing protection device manufacturing facility to be located on Lots I-5 to I-6 of the Brown Field Business Park in the Otay Mesa Enterprise Zone. The JPA, which will be the issuer, has previously issued bonds for various City-approved projects, including financing for: the Salk Institute; the San Diego State University Foundation; Figi Graphics, Inc.; and the Institute for Defense Analyses. It is endorsed by the League of California Cities and the County Supervisors' Association of California. The City has been a member since 1991. The JPA issues only investment grade bonds. As with previous JPA issues, the City's name will not appear on the bonds and there will be no further City involvement in the financing. Carvin expects that it will retain 122 jobs in San Diego County and create an additional 73 jobs over the next two years. Howard Leight's relocation to Otay Mesa is expected to bring 300 new jobs to San Diego. By authorizing these bond issues by the JPA, the Council will be providing a significant business incentive: assisting Carvin and Howard Leight in obtaining the most cost-effective financing for their San Diego manufacturing facilities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A060-110.)

Hearing began at 11:14 a.m. and halted at 11:18 a.m.

MOTION BY VARGAS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

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SUBJECT: Amendment to the Marina Planned District Ordinance for Marina Walk, a residential project located in the Marina Sub Area of the Centre City Redevelopment Project.
(Centre City Redevelopment Project. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinance:

Subitem-A: (R-95-1428) ADOPTED AS RESOLUTION R-285620

Adoption of a Resolution certifying that the information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project and the Environmental Impact Secondary Study have been prepared in compliance with the California Environmental Quality Act of 1970 and State guidelines.

Subitem-B: (O-95-97) INTRODUCED, TO BE ADOPTED ON MAY 1, 1995

Introduction of an Ordinance approving the amendment to the Marina Planned District Ordinance.

OTHER RECOMMENDATIONS:

The Centre City Development Corporation (CCDC) voted 5-0 to recommend approval of Marina Walk.

FILE LOCATION: SUBITEM A: LAND - Marina Planned Dist. Ord.;
SUBITEM B: None

COUNCIL ACTION: (Tape location: C005-323.)

Hearing began at 2:17 p.m. and halted at 2:41 p.m.

Testimony in favor by Greg Shannon, Arn Loomis, Danah Fayman, and Michael Kriozere.

MOTION BY HARVEY TO CERTIFY THE MASTER ENVIRONMENTAL IMPACT REPORT, INTRODUCE THE ORDINANCE TO APPROVE THE AMENDMENT TO THE MARINA PLANNED DISTRICT ORDINANCE, AND TO APPROVE THE EXCEPTIONS TO THE DESIGN REGULATIONS OF THE PLANNED DISTRICT ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Alteration of Design Standards - Amended and Restated
Development Agreement with Catellus Development
Corporation.

(See memorandum from Centre City Development
Corporation dated 3/29/95. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1347) ADOPTED AS RESOLUTION R-285612

Authorizing a letter of agreement with Catellus
Development Corporation acknowledging the alteration of
the design standards of the Amended and Restated
Development Agreement, with respect to the use of
ballast in lieu of paving certain portions of the
Transit Courtyard.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A111-161.)

Hearing began at 11:18 a.m. and halted at 11:23 a.m.

MOTION BY STEVENS TO ADOPT ITEMS 332, 333, AND 334. Second
by Vargas. Passed by the following vote: Mathis-yea,
Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Four actions related to Approval of Proposed Bond
Financing for Redevelopment Projects.

(See memorandum from SEDC dated 4/18/95. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:
Adopt the following resolutions:

Subitem-A: (R-95-1317) ADOPTED AS RESOLUTION R-285613

Authorizing and approving the formation of the San
Diego Redevelopment Financing Authority and approving
the Joint Exercise of Powers Agreement with the

Redevelopment Agency.

Subitem-B: (R-95-1318) ADOPTED AS RESOLUTION R-285614

Approving the issuance by the Redevelopment Agency of not to exceed \$2,000,000 aggregate principal amount of tax allocation bonds to finance a portion of the cost of the Gateway Center West Redevelopment Project.

Subitem-C: (R-95-1319) ADOPTED AS RESOLUTION R-285615

Approving the issuance by the Redevelopment Agency of not to exceed \$7,000,000 aggregate principal amount of tax allocation bonds in two series to finance a portion of the cost of the Mount Hope Redevelopment Project.

Subitem-D: (R-95-1320) ADOPTED AS RESOLUTION R-285616

Approving the issuance by the Redevelopment Agency of not to exceed \$5,000,000 aggregate principal amount of tax allocation bonds to finance a portion of the cost of the Southcrest Redevelopment Project.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A111-161.)
MOTION BY STEVENS TO ADOPT ITEMS 332, 333, AND 334. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea (ineligible for Subitem-B); Mayor Golding-yea.

ITEM-334:

SUBJECT: Amending the CDBG Budget for the Potter Tract Acquisition.

(See memorandum from Southeastern Economic Development Corporation dated April 18, 1995. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1437) ADOPTED AS RESOLUTION R-285617

Authorizing the City Auditor and Comptroller to amend the Community Development Block Grant (CDBG) Budget

Fund 18530 by transferring \$40,201 from District Four Contingency Allocation Fund 18530;

Reprogramming \$59,799 from Project First Class Fund 18529 to Potter Tract Fund 18530;

Authorizing the City Auditor and Comptroller to amend the CDBG Budget Fund 18530 by transferring \$75,000 from the Central Imperial-Langley Site to the Potter Tract Acquisition;

Transferring the total amount of \$175,000 to the Redevelopment Agency for the acquisition of the Potter Tract. Aud. Cert. 9500960.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A111-161.)

MOTION BY STEVENS TO ADOPT ITEMS 332, 333, AND 334. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Reconsideration of the City Council's action of August 19, 1986, revoking the Conditional Use Permit for a 24-unit Senior Citizen apartment complex located at 926-928 45th Street and permitting the property owner one year to bring the property into compliance with the conditions of the Conditional Use Permit. The subject property is located on the west side of 45th Street, between Logan and Stratton Avenues, and is more particularly described as a portion of Lot 3, Block 60, Carruthers Addition, Map-27, in the R-1-5 and CN Zones. (CUP-10-575-1. District-4.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1444) ADOPTED AS RESOLUTION R-285621

Adoption of a Resolution determining whether to rescind Council Resolution R-266438 adopted August 19, 1986, which resolution revoked Conditional Use Permit CUP-10-575-1 relating to a 24-unit senior citizen

apartment complex located at 926-928 45th Street.

CITY ATTORNEY SUPPORTING INFORMATION:

This matter has been discussed in Closed Session and involves a proposed settlement of a claim against the City of San Diego for damages relating to the City's failure to record its resolution revoking the permit. Any reinstatement of the Conditional Use Permit will include a stipulated provision that the property must, within one year following the date of reinstatement, be and remain in full compliance with all the terms and conditions of the CUP, or the City may institute revocation proceedings.

The time for any appeal from the City Council's decision on this matter is governed by California Code of Civil Procedure Section 1094.6.

FILE LOCATION: PERM - CUP-10-575-1

COUNCIL ACTION: (Tape location: C324-523.)

Hearing began at 2:42 p.m. and halted at 2:54 p.m.

Council Member Kehoe entered at 2:46 p.m.

Testimony in opposition by Verna Quinn and Reynaldo Pisano.

Testimony in favor by Allen Gruber.

MOTION BY HARVEY TO ADOPT THE RESOLUTION. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-336:

SUBJECT: Matter of the request for Conditional Use Permit
CUP-93-0213 for St. David's Episcopal Church.
(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to grant the permit with conditions.

Subitem-A: (R-95-1576) ADOPTED AS RESOLUTION R-285618

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0213 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-95-1577) GRANTED PERMIT, ADOPTED AS AMENDED
AS RESOLUTION R-285619

Adoption of a Resolution granting or denying the permit, with conditions, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The permit would allow the construction of a church, parish hall, chapel, classrooms, library, administration and proposed office and youth center. Included in this project proposal are three requests for deviations from the Clairemont Mesa Height Limitation Zone 30'-0". The project is located at 5040-5050 Milton Street on the corner of Milton Burgener Boulevard and July Street in the R1-5000 Zone of the Clairemont Mesa Community.

FILE LOCATION: PERM - CUP-93-0213

COUNCIL ACTION: (Tape location: B259-419.)

Hearing began at 12:10 p.m. and halted at 12:21 p.m.

MOTION BY STALLINGS TO APPROVE THE CUP AND RECOMMEND SUPPORT OF THE THREE EXEMPTIONS TO THE HEIGHT LIMIT AND EXPERIMENTAL USE OF DECOMPOSED GRANITE. REQUEST THAT STAFF ADD THE FOLLOWING CONDITIONS TO THE PERMIT:

- A. ALL PARKING AREAS SHOULD BE SECURED BETWEEN THE HOURS OF 10:00 P.M. AND 6:30 A.M.
- B) BE MORE SPECIFIC ABOUT THE CONDITION: "LANDSCAPING PLAN SHALL ENSURE THE PRESERVATION OF TRAFFIC SIGHT LINES ALONG MILTON AND BURGNER STREETS." THAT IS NOT SPECIFIC, IT IS IMPLIED.
- C. SECURITY LIGHTING BETWEEN THE HOURS OF 10:00 P.M. AND 6:30 A.M. SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE POLICE DEPARTMENT.

Second by Mathis. Passed by the following vote:

Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: RETURNED TO THE CITY MANAGER

SUBJECT: Amending the Framework Plan for the North City Future
Urbanizing Area located within the northern portion of
the City of San Diego, generally bounded by San Diego
County to the north, the communities of Rancho Bernardo
and Rancho Penasquitos to the east, Los Penasquitos
Canyon to the south and the community of Carmel Valley
to the west.
(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1410)

Adoption of a Resolution certifying that the
information contained in Addendum DEP-94-0638 to
Environmental Impact Report DEP-91-0809 has been
completed in compliance with the California
Environmental Quality Act of 1970 (CEQA) Guidelines,
and reflects the independent judgement of the City of
San Diego as Lead Agency.

Subitem-B: (R-95-1409)

Adoption of a Resolution adopting an amendment to the
Framework Plan for the North City Future Urbanizing
Area and Progress Guide and General Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C524-E074.)

Hearing began at 2:55 p.m. and halted at 3:43 p.m.

Testimony in opposition by Ruth Merrill, Craig Adams,
Lillian Barnes-Justice, Jan Fuchs, and David Kreitzer.

Testimony in favor by Dave Nielsen, Tom DiBenedetto, Kathy
Tanner, and Jerry McCaw.

MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AS
STATED AS FOLLOWS: "CONSISTENT WITH THE RECOMMENDATION OF

THE PLANNING COMMISSION, APPROVE MANAGER'S ALTERNATIVE #3 REQUIRING THAT CONSIDERATION OF THE PROPOSED AMENDMENT OCCUR CONCURRENTLY WITH CONSIDERATION OF A SPECIFIC PLAN. IN ADDITION (1) DIRECT THE CITY MANAGER TO TAKE THE LEAD FOR THE PREPARATION OF A SPECIFIC PLAN AND SUPPORTING ENVIRONMENTAL DOCUMENTS. ALL COSTS ASSOCIATED WITH MSCP PRESERVE PLANNING AND POLICY IMPLEMENTATION TO BE PAID FOR FROM THE ENTERPRISE FUNDS CURRENTLY PROVIDING MSCP FUNDING. THE BALANCE OF THE COSTS TO BE ON A COST RECOVERY ARRANGEMENT TO BE WORKED OUT BY THE MANAGER WITH THE PROPERTY OWNERS. GOVERNMENT CODE SECTION 65453(A) AND FRAMEWORK PLAN SECTION 2.5E REFERENCES APPLY. WITH RESPECT TO FRAMEWORK PLAN SECTION 2.5E, DIRECT THE CITY MANAGER TO PURSUE SECTION 2.5E WITH THE PROPERTY OWNERS, AND THEN REPORT BACK TO COUNCIL FOR APPROVAL; (2) DIRECT THE MANAGER RETURN TO THE COUNCIL IN 30 DAYS WITH A SCOPE OF WORK AND FINANCING DETAILS TO INCLUDE THE TIMELINE COMPLETION OF THIS PLAN TO ACCOMPLISH THIS TASK, INCLUDING AT LEAST THREE PUBLIC MEETINGS/WORKSHOPS TO RECEIVE INPUT FROM THE GENERAL PUBLIC AND INTEREST GROUPS. IN THE WORK PLAN, PROVIDE FOR ONGOING PARTICIPATION OF SUBAREA V PROPERTY OWNERS, SCHOOL AUTHORITIES, AND RESIDENTS IN THE PLANNING PROCESS; (3) SINCE THE SPECIFIC PLAN WILL SERVE TO IMPLEMENT THE MSCP FOR THE ENTIRE SUBAREA, INCLUDE THE MSCP "HARD LINE" BOUNDARIES AS DIRECTED BY THE COUNCIL; (4) PROVIDE THE LU&H COMMITTEE QUARTERLY STATUS REPORTS AND UPDATES WITH A TIMELINE DESIGNED TO RETURN TO THE PLANNING COMMISSION AND COUNCIL AS SOON AS POSSIBLE BUT NO LATER THAN WITHIN ONE YEAR; (5) DIRECT THE CITY MANAGER TO EXPEDITE, MONITOR, AND MAKE SURE THAT NOTHING GETS DELAYED ON THIS FRAMEWORK PLAN; AND IF THERE ARE ANY PROBLEMS WITH EXPEDITING THE PLAN, THEN TO NOTIFY COUNCIL AS EARLY AS POSSIBLE. THE CITY MANAGER IS ALSO DIRECTED TO PERIODICALLY NOTIFY COUNCIL OF THE STATUS OF THIS FRAMEWORK PLAN; AND TO LOOK AT OTHER FUNDS TO FINANCE THE FRAMEWORK PLAN." Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Convention Center Expansion - Phase I of Interim Agreement.
(See City Manager Report CMR-95-78. Centre City Community Area. District-2.)

(Continued from the meeting of April 10, 1995, Item 202a, at the City Manager's request, to allow time to

respond to questions regarding Equal Opportunity and line item issues.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1413 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-285624

Authorizing the City Manager to negotiate and execute a Phase I agreement with the Joint Venture Design/Build Team, Centex Golden - Turner Construction Company (San Diego), as the Design/Build Team for the Convention Center Expansion Project;

Authorizing the City Manager to establish agreement funding phases with the Design/Build Team;
Authorizing the expenditure of not to exceed \$6,874,083 provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditures under the agreement are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$2,600,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Fund 102242 to CIP-37-010.0, Convention Center Expansion Project, Fund 102212, to provide interim funding for the expansion project with the funds transferred to be repaid from bond proceeds of the Convention Center Bond issue and appropriating \$400,000 from Fund 102212 to CIP-37-010.0, Convention Center Expansion;

Authorizing the Auditor and Comptroller to expend \$3,000,000 from CIP-37-010.0, Fund 102212, for the first funding phase of the agreement with Centex Golden-Turner Construction Company.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to Council selection of Golden - Turner and the Design/Build Team for the Convention Center Expansion Project on December 12, 1994, the City Manager respectfully requests authorization to negotiate and enter into a Phase I agreement. The Phase I agreement will be for an amount not to exceed \$6,874,083. This agreement will provide the Design/Build Team with funding sufficient to pay for the design-development stage of the Project.

In July, 1995, the City Manager will return to Council with Phase II of this agreement, providing for complete construction. Approval of this Phase I agreement will allow the Design/Build Team to adhere to the project schedule allowing for the completion date in late 1997.

FISCAL IMPACT:

This action authorizes the expenditure of \$6,874,083 for Phase I of the Design/Build agreement as required to continue the fast track schedule. \$3,000,000 to fund the first funding phase of the Design/Build agreement will be authorized by this action. All transfers of funds will be repaid from bond proceeds.
McGrory/Dunchack/RAJ

Aud. Cert. 9500990.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: E075-G088.)

Motion by McCarty to approve the program with direction to the City Manager to come back with a reduced cost on part of the contract. No second.

MOTION BY VARGAS TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO APPROVE PHASE I AND TO ACCEPT COUNCIL MEMBER MATHIS' AMENDMENT TO THE MOTION WITH DIRECTION TO THE CITY MANAGER TO BRING BACK TO COUNCIL A REPORT ON THE FOLLOWING ISSUES:

1. LOOK AT THE OVERALL COST OF THE PROGRAM AND SEE IF THE COST OF PHASE II CAN BE REDUCED BY LIMITING THE SCOPE OF THE PROGRAM TO THE SAN DIEGO METROPOLITAN AREA; THEN, IF SO, APPLY THE EXCESS MONEY OF PHASE II BACK INTO PHASE I; 2. LOOK AT WHAT IMPACTS OF LIMITING THE SCOPE OF THE PROGRAM TO THE SAN DIEGO METROPOLITAN AREA WOULD HAVE ON THE COST OF THE PROGRAM; 3. EXPLAIN WHY PHASE II IS MORE EXPENSIVE THAN PHASE I; 4. FIND OUT IF THE CITY CAN LEGALLY HAVE LOCAL PREFERENCE FOR THIS PROGRAM; 5. INVESTIGATE IF THE ALLOCATED AMOUNTS OF THE TASKS FOR THIS PROGRAM ARE APPROPRIATE. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-95-1504) ADOPTED AS RESOLUTION R-285606

A Resolution adopted by the City Council in Closed Session on Tuesday, April 18, 1995:

Authorizing the City Manager to pay the total sum of

\$150,000 in settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 678430, Roxanne Miller vs. the City of San Diego, et al., resulting from the personal injury to plaintiff; authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Roxanne Miller and her Attorney, Susan Guinn, in full settlement of all claims.

Aud. Cert. 9501046

FILE LOCATION: MEET

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:06 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G089).